

Notice of Allowability

Application No.

10/688,080

Examiner

John Pezzlo

Applicant(s)

VARMA, SUBIR

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12/19/2005.
2. ☒ The allowed claim(s) is/are 1, 3-6, and 12-21 (renumbered 1-15 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9/26/05
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____


JOHN PEZZLO
PRIMARY EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anatoly S. Weiser, 6 January 2006.

The claims have been amended as follows:

1. Regarding claim 12 – Line 1, deleted "capable of communicating" and inserted -- configured to communicate --.
2. Regarding claim 12 – Line 3, deleted "capable of communicating" and inserted -- configured to communicate --.
3. Regarding claim 12 – Line 5, deleted "capable of receiving" and inserted -
- configured to receive --.
4. Regarding claim 12 – Line 7, deleted "capable of executing" and inserted -
- configured to execute --.
5. Regarding claim 17 – Line 3, deleted "capable of causing" and inserted --
configured to cause --.

Allowable Subject Matter

Claims 1, 3-6, and 12-21 are allowable over the prior art of record.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: Applicant has claimed uniquely distinct features in the instant invention, which are not found in the prior art, either singularly or in combination. Each independent claim identifies the following uniquely distinct features;

1. Regarding claim 1 – A method of controlling selection of parameters for automatic retransmission in a point-to-multipoint wireless communication link having an upstream portion for communicating data from a plurality of customer premises equipment (CPE) to a base station controller (BSC) and a downstream portion for communicating data from the base station controller to the plurality of customer premises equipment, the method comprising the steps of: selecting physical and media access control (MAC) parameters for automatic retransmission, the physical and MAC parameters for the downstream portion being selected independently for each customer premises equipment of the plurality of customer premises equipment and physical and MAC parameters for the upstream portion being selected independently for said each customer premises equipment, include the physical and MAC parameters in a control section of a frame, the control section being for sending control information downstream, and allocate a first part of the upstream information as shared and some part of the

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upstream information as unshared when there are messages received but not yet acknowledged.

2. Regarding claim 12 – A base station controller communicating with a plurality of customer premises equipment, the base station controller comprising: a transmitter communicating information downstream to the customer premises equipment, a receiver receiving upstream information communicated by the customer premises equipment, a processor executing instructions to control the transmitter and the receiver, and a memory storing a set of instructions, the memory being coupled to the processor, the set of instructions comprising instructions that, when executed by the processor, cause the processor to select physical and MAC parameters for automatic retransmission of information between the base station controller and the customer premises equipment, the physical and MAC parameters for downstream retransmission being selected independently for each customer premises equipment of the plurality of customer premises equipment, and physical and MAC parameters for upstream retransmission being selected independently for said each customer premises equipment, include the physical and MAC parameters in a control section of a frame, the control section being for communicating control information downstream, and allocate a first part of the upstream information as shared and some part of the upstream information as unshared when there are messages received but not yet acknowledged.

3. Regarding claim 17 – An article of manufacture comprising a memory with a set of instructions stored in the memory, the set of instructions comprising instructions that, when executed by a processor causing receiver and transmitter of a base station controller to communicate with a plurality of customer premises equipment, cause the processor to

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select physical and MAC parameters for automatic retransmission of information between the base station controller and the customer premises equipment, the physical and MAC parameters for downstream retransmission from the base station controller to the customer premises equipment being selected independently for each customer premises equipment of the plurality of customer premises equipment, and physical and MAC parameters for upstream retransmission from the customer premises equipment to the base station controller being selected independently for said each customer premises equipment, include the physical and MAC parameters in a control section of a frame, the control section being for sending control information downstream, and allocate a first part of upstream information as shared and some part of the upstream information as unshared when there are messages received but not yet acknowledged.

The closest prior art, either singularly or in combination, fail to anticipate or render the above limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 1, 3-6, and 12-21 being allowable, **Prosecution On The Merits Is Closed** in this application.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Persson et al. (US 5,778,316) discloses a method and apparatus for selecting a control channel based on service availability.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building
2A15

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500 Dulany Street

Alexandria, VA, 22313.

John Pezzlo

6 January 2006

A handwritten signature in black ink, appearing to read 'J. Pezzlo', with a stylized flourish at the end.

**JOHN PEZZLO
PRIMARY EXAMINER**